

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 2176.05 |
| COMPLAINT INVESTIGATOR: | Joe Bear |
| DATE OF COMPLAINT: | September 27, 2004 |
| DATE OF REPORT: | October 26, 2004 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | November 24, 2004 |

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide speech/language services two times per week since the beginning of the 2004-2005 school year.

FINDINGS OF FACT:

1. The Student has been identified as having a learning disability and a communication disorder, and has been determined eligible for special education and related services.
2. The Student's last agreed-upon individualized education program (IEP), for the period of February 11, 2004, through February 11, 2005, states that the Student will receive speech services for 60 minutes per week in a direct setting ("speech 60/wk. direct" noted under Related Services). The IEP does not specify the number of times per week that speech services will be provided.
3. The 2004-2005 school year began for the Student on August 25, 2004. The Student did not meet with the Speech/Language Pathologist (SLP) during Week 1, but met with the SLP one time for 20 minutes during Week 2. There was no service from the SLP during Week 3, as this time was used to set up the speech schedule with teachers. The Student was seen by the SLP during Week 4 for a total of 40 minutes, then received no service from the SLP during Week 5 due to school-wide standardized testing (ISTEP+).
4. The SLP devised a plan to make up for the speech time that was missed during the week of ISTEP+ testing (Week 5), by adding 10 minutes to the Student's speech schedule over a period of several weeks. However, no plan has been devised to make up for the other times when no service was provided.

CONCLUSIONS:

1. Findings of Fact #2, #3, and #4 indicate that the Student received 60 minutes of speech services from the SLP in the first five weeks of school, when the IEP requires 300 minutes (five hours). Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Monroe County Community School Corporation shall:

Convene the Student's case conference committee (CCC) to devise a plan to make up a total of 240 minutes of speech services. The plan will account for any compensatory services that have already been provided, such as extra instruction provided to make up for a lack of services during Week 5 when ISTEP+ testing occurred.

Documentation of compliance (consisting of the CCC report that includes a plan of compensatory speech services) will be submitted to the Division by November 19, 2004.